

**REMARKS**

Claims 1-2, 4-14, and 16-33 are pending in the present application. Claims 1, 22, and 31 are independent claims. Claims 3 and 15 were previously cancelled. Claim 31 is amended. Claim 33 is added.

**Examiner Interview**

The Applicants thanks the Examiner for the courtesy shown during the telephonic interview conducted on January 6, 2010. During the interview, the Applicants' representative and the Examiner discussed various differences between the cited art and the claims.

In short, the Examiner agreed that the cited art (U.S. Patent No. 4,454,824 (hereinafter "Wood")) did not disclose, at least, "the threaded tip and rod being interconnected in a joint, the joint inhibiting axial movement of the rod relative to the threaded tip, and the joint allowing transmission of rotational movement from the rod to the threaded tip in one locked state and **preventing transmission of rotational movement** from the rod to the threaded tip in another unlocked state," and "the joint is locked by the **insertion of the locking element into the joint**," as recited in claim 1. Accordingly, the Examiner recommended filing a response to the Office Action asserting the above features are not disclosed by the Wood document.

Additionally, the Applicants' representative and the Examiner also discussed the interpretation of the term "hollow channel," as recited in claim 1. The Examiner indicated the term "channel" can be broadly interpreted to mean a path. Accordingly, the Examiner asserted that the "channel" recited in claim 1 reads on a portion of the Wood's shaft 20 between pins 34 and 36. The Examiner also asserted that the term "hollow" did not narrow the scope of the term "channel." The Examiner, however, did

indicate that the Wood reference could be overcome if claim 1 was amended to recite "cavity" rather than "hollow channel." Furthermore, the Examiner also agreed that if claim 31 was amended to recite "a body having threads extending at least partly around the body and a **cavity** extending at least partly through the body," rather than "a body having threads extending at least partly around the body and a channel extending at least partly through the body," that the rejection of claim 31 under 35 U.S.C. § 102(b) would be withdrawn.

**Claim Rejections: 35 U.S.C. § 102**

Claims 1, 2, 4-14, 16-24 and 28-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,454,824 to Wood (hereinafter "Wood"). The Applicants respectfully traverse.

**Claim 1**

As admitted by the Examiner in the Examiner Interview conducted on January 6, 2010, Wood does not disclose, at least, "the threaded tip and rod being interconnected in a joint, the joint inhibiting axial movement of the rod relative to the threaded tip, and the joint allowing transmission of rotational movement from the rod to the threaded tip in one locked state and **preventing transmission of rotational movement** from the rod to the threaded tip in another unlocked state," and "the joint is locked by the **insertion of the locking element into the joint**," as recited in claim 1. Accordingly, the Applicants submit Wood cannot be relied on anticipating claim 1.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Claim 22

The Examiner, on page 5 of the Office Action, generally alleges that Wood discloses a lock safety-fastener comprising a lock accepting region (12) which protrudes from a solid material. For support the Examiner cites to column 2, lines 56-68 and FIG. 2. However, in its entirety, this portion of Woods' specification discloses:

When the drive member is pulled to its upper position as shown in FIG. 4, it has an eyelet 50 which clears the lid 14 and can be engaged by a padlock such as indicated at 52. This padlock retains the lid 14 securely on the container 12, while simultaneously insuring that the drive member 42 is incapable of engaging the shaft 20 for rotation. An attempt to counter-rotate the locker container would simply result in its idling about the shaft. There is no exposed element which can be gripped for rotation when the padlock 52 is in place. The elongated sleeve 26 also rotates about the shaft, so that the first bare shaft portion available is more than a foot beneath the sand's surface.

Assuming *arguendo* the Examiner is correct in identifying (12) as a lock accepting region, the Applicants note that (12) cannot be inserted into Wood's lock (52). Accordingly, Wood cannot be relied on for disclosing, at least, "inserting the lock-accepting region into the lock such that the lock substantially covers the lock-accepting region," as recited in claim 22.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 22, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

Claim 31

During the interview conducted on January 6, 2010, the Examiner asserted that, whereas Wood may be interpreted as disclosing a fastener having a body with a channel, Wood cannot be interpreted for disclosing a fastener having a body with a

“cavity.” As amended, claim 31 recites “a body having threads extending at least partly around the body and a cavity extending at least partly through the body.” Because Wood cannot be relied on for disclosing the instant feature, the Applicants submit Wood does not anticipate claim 31.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 31, and all claims which depend thereon, under 35 U.S.C. § 102(b) as being anticipated by Wood be withdrawn.

**Claim Rejections: 35 U.S.C. § 103**

Claims 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood as applied above in view of U.S. Patent No. 3,817,063 to Williams (hereinafter “Williams”). The Applicants respectfully traverse.

As argued above, Wood does not disclose, at least, a safety-fastener “inserting the lock-accepting region into the lock” such that the lock substantially covers the lock-accepting region,” as recited in claim 22. Furthermore, the Applicants submit Williams fails to cure this deficiency. Therefore, even if combined, the combination of Wood and Williams would not disclose the instant feature obvious. Accordingly, the Applicants submit the combination of Wood and Williams cannot be relied on for rendering claim 22 obvious. The Applicants further submit that claims 25-27 are likewise nonobvious at least by virtue of their dependency upon claim 22.

For at least the reasons given above, the Applicants respectfully request the rejection of claims 25-27 under 35 U.S.C. § 103 as being obvious over Wood in view of Williams be withdrawn.

**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that each of the rejections set forth in the Office action has been overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

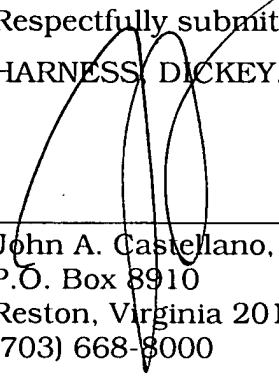
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a three (3) month extension of time for filing a reply to the July 7, 2009 Office Action, and submit the required \$555 extension fee herewith.

It is believed that the correct fees due are included with this filing. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. **08-0750** for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

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John A. Castellano, Reg. No. 35,094  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

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